

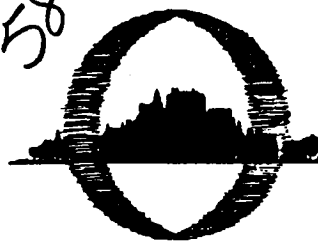
## REQUEST FOR COUNCIL ACTION

57-  
MEETING

DATE: 2-3-03

AGENDA SECTION: PUBLIC HEARINGS Continued Item	ORIGINATING DEPT: PLANNING	ITEM NO. E-1
ITEM DESCRIPTION: Variance #02-40 by the Kendall Group. The applicant is requesting a variance to the requirements of Chapter 64 of the Rochester Zoning Ordinance and Land Development Manual on access spacing standards in Section 64.143. The property is located east of North Broadway and South of Rocky Creek Drive NE and north and west of 26 <sup>th</sup> Street NE.		PREPARED BY: Brent Svenby, Planner
January 29, 2003		
On January 6, 2003 the Council approved the General Development Plan known as Rocky Creek Townhomes. At the meeting the variance requested by the developer was continued to allow for additional information to be provided. Since that meeting the applicant's consultant has submitted a preliminary site plan for the property.		
<b><u>Council Action Needed:</u></b>		
1. The Council should instruct the City Attorney to prepare a resolution for Council approval either approving or denying the Variance requested based on the findings in Paragraph 60.417		
<b><u>Attachments:</u></b>		
1. Memorandum dated January 29, 2003		
<b><u>Distribution:</u></b>		
1. City Administrator		
2. City Attorney		
3. Planning Department File		
4. Planning Department GIS Division		
5. Applicant: This item will be considered some time after 7:00 p.m. on Monday, February 3, 2003 in the Council/Board Chambers in the Government Center at 151 4th Street SE.		
6. Yaggy Colby Associates		
<b>COUNCIL ACTION:</b> Motion by: _____ Second by: _____ to: _____		

58



## ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

*Olmsted*

www.olmstedcounty.com/planning



# Memorandum

**TO:** Rochester Common Council

**FROM:** Brent Svenby, Planner

**DATE:** January 29, 2003

**RE:** General Development Plan #193 to be known as Rocky Creek Townhomes and Variance #02-40 by the Kendal Group. The applicant is proposing to develop a 22.86 acres of land with townhomes and uses permitted in the R-3 and R-1X zoning districts. The development would be served by private roadways. The applicant is also requesting approval for a Substantial Land Alteration to permit changing grades by 10 feet or more on the property. The applicant is also requesting a variance to the requirements of Chapter 64 of the Rochester Zoning Ordinance and Land Development Manual on access spacing standards in Section 64.143. The property is located east of North Broadway and South of Rocky Creek Drive NE and north and west of 26<sup>th</sup> Street NE.

On January 6, 2003 the Council approved the General Development Plan known as Rocky Creek Townhomes. At the meeting the variance requested by the developer was continued to allow for additional information to be provided. Since that meeting the applicant's consultant has submitted a preliminary site plan for the property. Keep in mind that the council is not reviewing or approving the preliminary site plan, the only thing that the council is reviewing is the variance request for a substandard access.

When 26<sup>th</sup> Street NE was constructed it was constructed to major local street design standards which it is a 36 foot wide roadway on a 66 foot right-of-way. A major local street is projected to carry an average daily traffic of between 1,500 and 2,000 vehicles. Currently there are 24 townhome units taking access to 26<sup>th</sup> St. NE and 2 single family units. Townhome units are calculated at generating 7.5 trips per unit per day and single family units generate 10 trips per unit per day. Based on those calculations there is currently approximately 200 average daily trips a roadway which is designed to accommodate between 1,500 and 2,000 average daily trips. Using trip modeling software, Charlie Reiter of the Planning Department, estimates that approximately 10 to 12 % of the trips generated by the development would use 26<sup>th</sup> Street NE.

### Variance:

The application also includes a request for a variance to the access spacing requirements for the minimum separation between driveways and intersection streets. The access spacing standards of the Rochester Zoning Ordinance and Land Development Manual,

BUILDING CODE 507/285-8345 • GIS/ADDRESSING/MAPPING 507/285-8232 • HOUSING/HRA 507/285-8224

PLANNING/ZONING 507/285-8232 • WELL/SEPTIC 507/285-8345

FAX 507/287-2275

recycled paper



Section 64.134, requires a minimum separation of 35 feet between driveways and intersecting streets. According to information submitted by the applicant's consultant, the available space between the private drives in the cul-de-sac on each side of the proposed private roadway is 28 feet so a variance of 7 feet is needed on each side of the proposed private roadway.

The City Engineer has reviewed the request for the substandard access and has no objection to permitting the access as shown on the general development plan. The Planning Department also supports the variance request. The substandard access may be granted subject to the variance provisions. Staff suggests the following findings:

**EXTRAORDINARY CONDITIONS:** *There does appear to be extraordinary conditions that apply to the applicant's property that may not apply generally to other properties in the area. The topography is steep and most of the development sits on the top of the hill. With the steep topography only one access roadway is able to be provided to Rocky Creek Drive NE. Furthermore, without an access to 26<sup>th</sup> Street NE development on the property would be limited to 500 average daily trips.*

**REASONABLE USE:** *The granting of the variance request would appear to be necessary to allow the reasonable use of the property. The way the road system is designed it would appear that the access to 26<sup>th</sup> Street NE would act more like a secondary access and that the majority of the traffic would use the access road to Rocky Creek Drive NE.*

**ABSENCE OF DETRIMENT:** *The granting of the variance request would not appear to be materially detrimental to the public welfare or to other properties in the area. Granting of the variance will allow for development of the property consistent with development in the area.*

**MINIMUM VARIANCE:** *The minimum variance that would be necessary to alleviate the alleged hardship would be a variance to the access spacing requirements for the minimum separation between driveways and intersection streets. This finding would not pertain in the case of denial.*

Section 64.146 3)

- a) *Conditions or circumstances exist which limit the strict application of the ordinance, including the lack of a secondary access to another public street, the inability to use joint access, and the lack of engineering or construction solutions that can be applied to mitigate the condition;*
- b) *The proposed access will not result in undue delay or congestion or be detrimental to the safety of motoring public using the roadway; and*
- c) *That limiting access will create an exceptional and undue hardship on the applicant and that the permit issued will allow a reasonable use of the property.*

60

4.146 **Substandard Access:** Where access meeting the spacing guidelines of Section 64.143 or the design objectives of Section 64.144 cannot be provided, the City Engineer shall be guided by the following process in determining whether a substandard access location may be permitted.

- 1) The City Engineer should first determine whether alternate access is available. Alternate access includes;
  - a) access to another street that meets the standards of the ordinance;
  - b) access provided jointly with an adjacent property that will meet the standards of the ordinance
- 2) Where alternate access opportunities are determined not to exist, the City Engineer may grant a reduction in spacing standards.
- 3) If after considering alternatives under (1) and (2) above the City Engineer determines that no feasible alternatives exist, a substandard access permit may be granted only subject to the variance provisions of Section 60.410 and the following findings:
  - a) Conditions or circumstances exist which limit the strict application of the ordinance, including the lack of a secondary access to another public street, the inability to use joint access, and the lack of engineering or construction solutions that can be applied to mitigate the condition;
  - b) The proposed access will not result in undue delay or congestion or be detrimental to the safety of motoring public using the roadway; and
  - c) That limiting access will create an exceptional and undue hardship on the applicant and that the permit issued will allow a reasonable use of the property.
- 4) The applicant agrees to mitigate the negative impacts of proposed substandard access.

60.410 **Findings for Variances:** In taking action on a variance request, the approval authority shall make findings supporting the decision based on the following guidelines:

- 1) The approval authority may grant a variance to the provisions of this ordinance if it finds that:
  - a) there are extraordinary conditions or circumstances, such as irregularity, narrowness, or shallowness of the lot or exceptional topographical or physical conditions which are peculiar to the property and do not apply to other lands within the neighborhood or the same class of zoning district; and
  - b) the variance is necessary to permit the reasonable use of the property involved; and
  - c) the variance will not be materially detrimental to the public welfare or materially injurious to other property in the area, is in harmony with the general purpose and intent of this ordinance, and will not adversely affect implementation of the Comprehensive Plan; and
  - d) the variance as granted is the minimum necessary to provide reasonable economic use of the property.

The extraordinary conditions or circumstances shall be found not to be the result of an action by the applicant or property owners who have control of the property.

In addition, the approval authority shall find that development of the parcel in question cannot be integrated with development of adjacent parcels under the same ownership in such a manner so as to provide for the reasonable economic use of the total site in a manner consistent with the provisions of this ordinance.

61  
**Svenby Brent**

**From:** Mark Engel [Mengel@yaggy.com]  
**Sent:** Monday, January 20, 2003 8:31 AM  
**To:** svenby.brent@co.olmsted.mn.us  
**Cc:** Wade Dumond  
**Subject:** Rocky Creek Townhomes 26th Street NE Access

Mr. Svenby,

Mr. Wade DuMond asked that I provide you with the following information regarding the Rocky Creek Townhomes access on to 26<sup>th</sup> Street NE.

The available space between the private drives in the Cul-De-Sac on 26<sup>th</sup> Street NE is 28' on each side of the proposed private road into the Rocky Creek Townhomes Development.

The proposed Variance needed would be 7' on each side of the he proposed private road into the Rocky Creek Townhomes Development.

Please let me know if there is any additional information I can provide.

Mark Engel  
Yaggy Colby Associates  
(507)288-6464  
[mengel@yca.com](mailto:mengel@yca.com)

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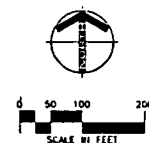
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PROPOSED UNITS  
 R3 - 92 UNITS  
 R1X - 55 UNITS

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PLEASE SEE CITY OF ROCHESTER ZONING ORDINANCE FOR ALLOWED DENSITIES, INTENSITY AND LAND USES



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 LANDSCAPE ARCHITECTS

DESIGNED UNDER THE STATE PLANNING ACT  
 PREPARED BY ARCHITECTS OR PLANNERS  
 DIRECT SUPERVISION AND SEAL OF ARCHITECTS  
 ARCHITECTS UNDER THE LAWS OF THE STATE OF MINNESOTA

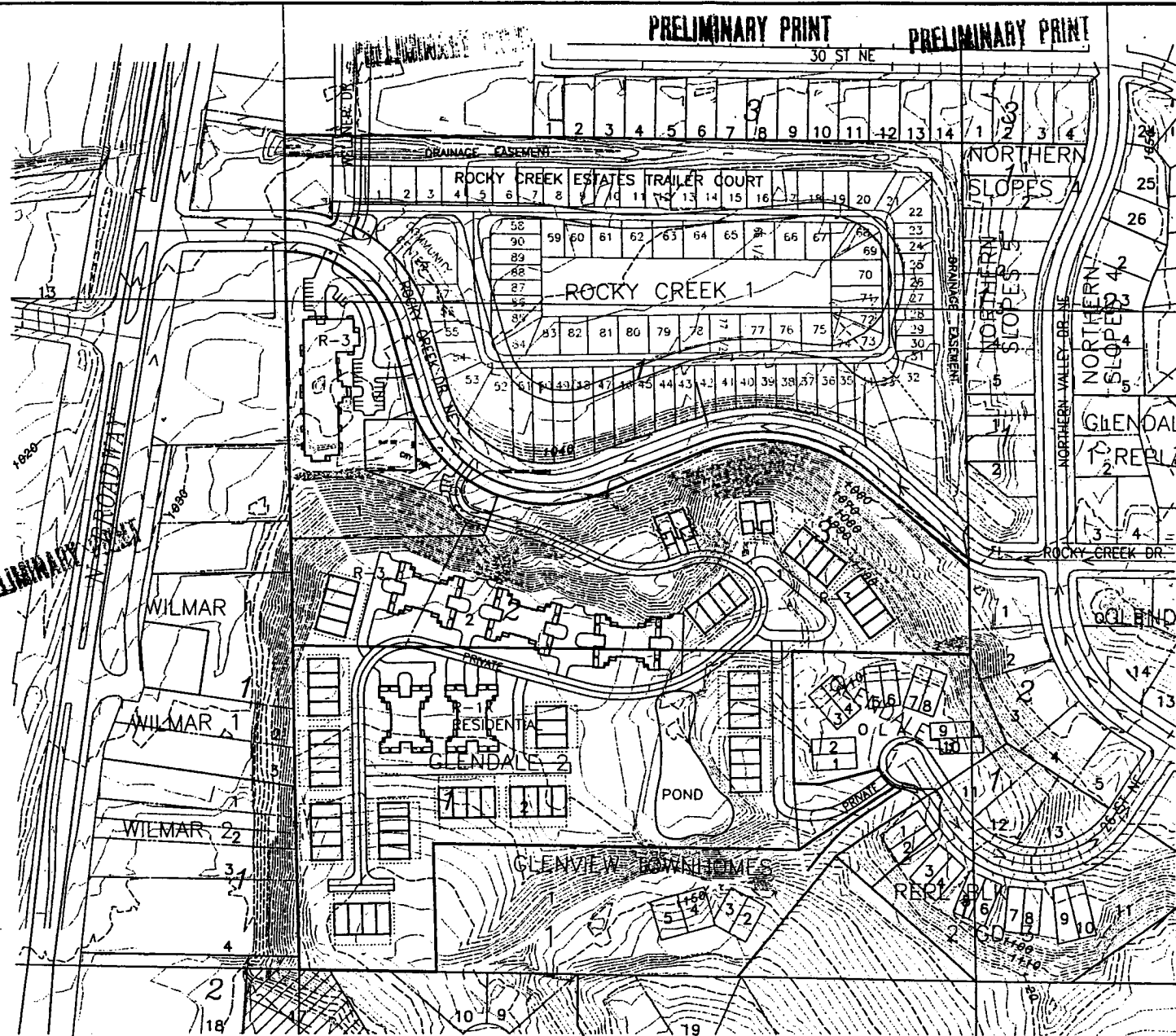
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ROCKY CREEK TOWNHOMES  
 ROCHESTER, MINNESOTA

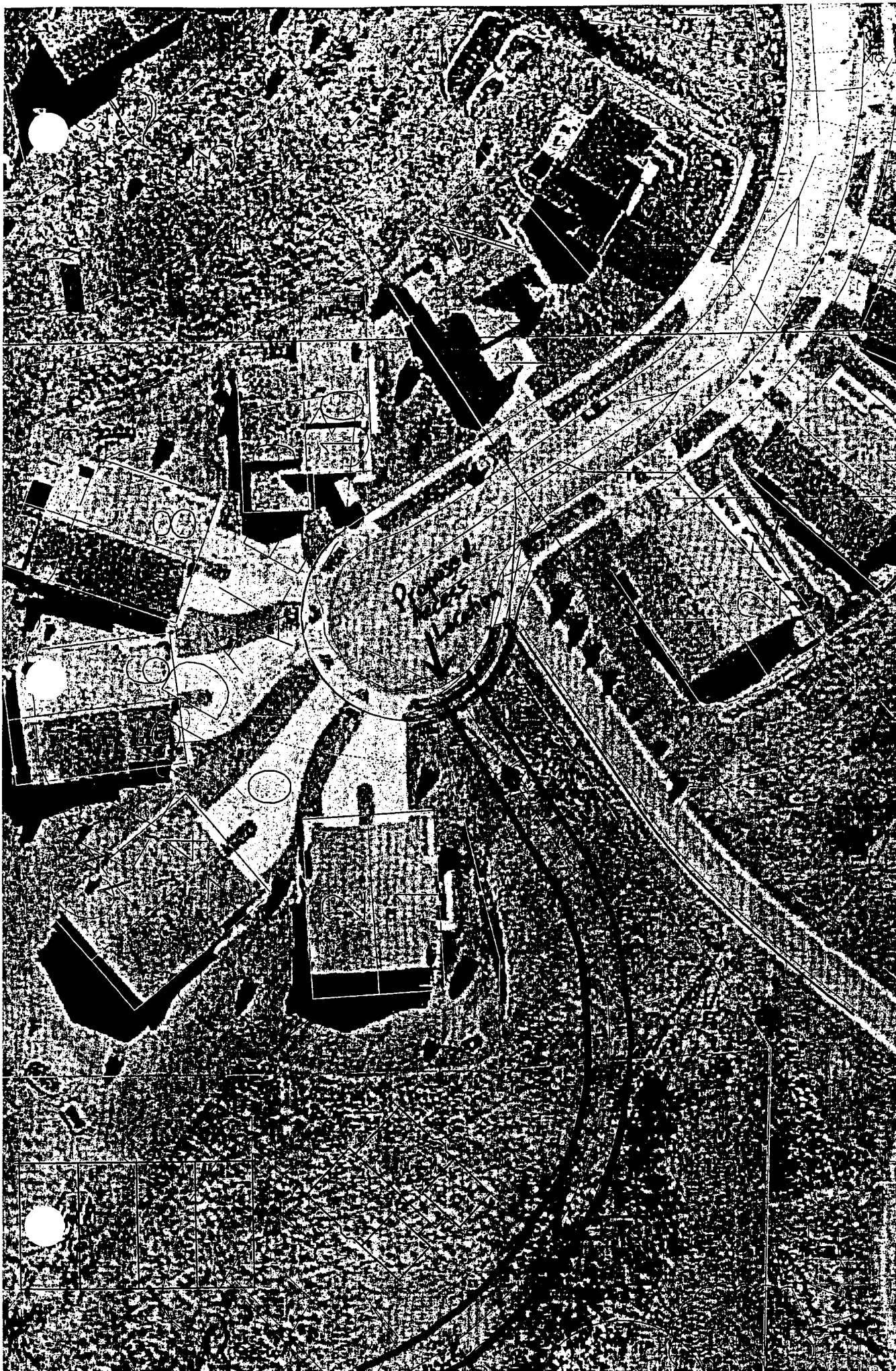
SITE PLAN CONCEPT

PROJECT NUMBER 7784  
 CLIENT 7784C-REV-1.DWG  
 DATE 1-26-03  
 DRAWN BY NAC  
 CHECKED BY MD  
 REVIEWED BY

1  
 ONE SHEET

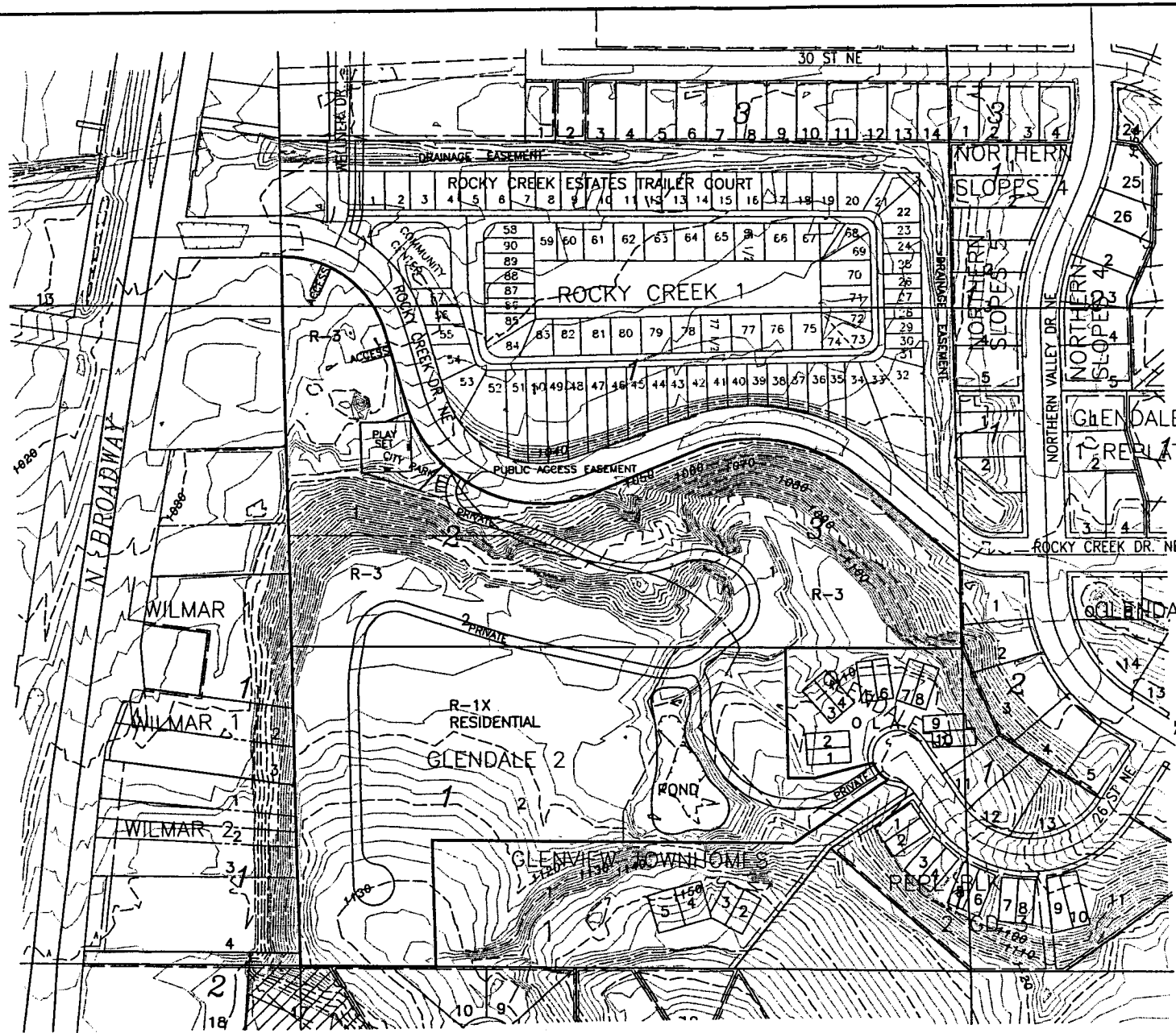


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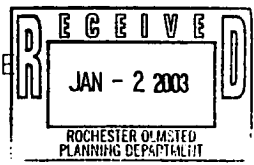




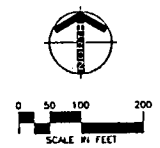
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TEL: 781-388-1000 FAX: 781-388-1001  
E-MAIL: INFO@YAGGYCOLBY.COM

TYPE NAME HERE  
NUMBER DATE

ROCKY CREEK TOWNHOMES  
ROCHESTER, MINNESOTA  
GENERAL DEVELOPMENT PLAN

PROJECT	7728
DATE	10/28/02
DRAWN BY	LMW
CHECKED BY	WD
REVISIONS	REVISED 12/30/02
SCALE	1 ONE